

Appl. No. : 10/771,703
Filed : February 4, 2004

REMARKS

The foregoing amendments and the following remarks are responsive to the March 1, 2005 Final Office Action. Claims 1 and 8 are amended, Claims 2-6 and 9 remain as previously presented, and Claim 7 remains as originally filed. Thus, Claims 1-9 are presented for further consideration.

Comments on June 28, 2005 Telephonic Interview

Applicant thanks the Examiner for extending the courtesy of conducting a telephonic interview with Applicant's representative, Bruce S. Itchkawitz, on June 28, 2005. During the telephonic interview, the Examiner and Mr. Itchkawitz discussed Claims 1 and 8 and U.S. Design Patent No. D485,317 issued to Cardarelli. The amendments of Claims 1 and 8 are in accordance with this discussion.

Applicant respectfully requests the Examiner to enter the amendments and to reconsider the claims in view of the following remarks.

Response to Rejection of Claims 1-5 Under 35 U.S.C. § 102(e)

In the March 1, 2005 Final Office Action, the Examiner rejects Claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by U.S. Design Patent No. D485,317 issued to Cardarelli ("Cardarelli").

Claim 1

Claim 1 has been amended to recite (emphasis added):

1. A one-piece tee for supporting a golf ball, comprising an elongated body having a head on one end formed to receive and support a golf ball and having a tip on its other end adapted to penetrate the ground to support the tee head at a desired height, a first stop on the body spaced upwardly from the tip, the first stop formed by a first plurality of ribs of the body extending along at least a first portion of the body, the ribs being of constant width along at least a portion of the ribs, the first stop being constructed to enable a person to sense the increased penetration resistance encountered when the first stop engages the ground so that a first depth of penetration will indicate the approximate amount of the tee extending above the first stop, which would be a desirable location for positioning the golf ball to be hit by a large head golf club, the first stop being further constructed such that the tee can be normally inserted further without difficulty to a second depth desirable for use with a golf club having a smaller head.

Applicant submits that the amendment is fully supported by the as-filed specification (see, e.g., Figure 1 and page 3, lines 19-24) and does not include new matter.

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As disclosed by the present specification at page 2, lines 25-28, the ribs of certain embodiments recited by amended Claim 1 provide a “soft stop,” by “a plurality of vertically extending ribs circumferentially spaced around the periphery of the golf tee.” Referring to Figure 1, the present specification also discloses that in certain embodiments, “[t]he body of the tee at the upper edge of the lower section 14 is provided with a plurality of circumferentially spaced, vertically extending ribs 18. The ribs extend radially outwardly about 1/16”, and thus the diameter of the cylinder circumscribing the ribs is about $\frac{1}{4}$.” In this way, the stops of certain embodiments of the tee recited by amended Claim 1 provide tactile feedback to the user (see, e.g., page 4, lines 24-25 of the present specification).

In contrast, Cardarelli does not disclose such ribs. The ribs of Cardarelli are wedge-shaped, with a continually changing width along the full length of the ribs. Therefore, Cardarelli does not teach “the ribs being of constant width along at least a portion of the ribs,” as recited by amended Claim 1.

Applicant submits that amended Claim 1 is patentably distinguished over Cardarelli. Applicant respectfully requests that the Examiner withdraw the rejection of amended Claim 1, and pass amended Claim 1 to allowance.

Claims 2-5

Claim 2 depends from amended Claim 1, Claim 3 depends from Claim 2, Claim 4 depends from Claim 3, and Claim 5 depends from Claim 4. Therefore, each of Claims 2-5 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 2-5 and pass these claims to allowance.

Response to Rejection of Claims 6, 8, and 9 Under 35 U.S.C. § 103(a)

In the March 1, 2005 Final Office Action, the Examiner rejects Claims 6, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Cardarelli.

Claim 6

Claim 6 depends from Claim 3, which depends from Claim 2, which depends from amended Claim 1. Therefore, Claim 6 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicant submits that Cardarelli does not teach or suggest the limitations of amended Claim 1. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 6 and pass Claim 6 to allowance.

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Claims 8 and 9

Applicant has amended Claim 8 to recite (emphasis added):

8. A method of positioning the head of a golf tee at a desired distance above the ground, comprising inserting the tip end of the golf tee into the ground until a depth of penetration by a first stop on the tee at which a person can feel a marked increase in the resistance to insertion, but yet can be readily inserted further, the first stop formed by a first plurality of ribs extending along at least a portion of the tee, the ribs being of constant width along at least a portion of the ribs, the first stop providing an indication of the amount of tee extending above the first stop suitable for use in connection with a large golf club head.

For the reasons set forth above with respect to amended Claim 1 being patentably distinguished over Cardarelli, Applicant submits that amended Claim 8 is patentably distinguished over Cardarelli. Applicant respectfully requests that the Examiner withdraw the rejection of amended Claim 8 and pass amended Claim 8 to allowance.

Claim 9 depends from amended Claim 8, so Claim 9 is also patentably distinguished over Cardarelli. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 9 and pass Claim 9 to allowance.

Response to Rejection of Claim 7 Under 35 U.S.C. § 103(a)

In the March 1, 2005 Final Office Action, the Examiner rejects Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Cardarelli in view of U.S. Patent No. 5,356,146 issued to Blosser (“Blosser”).

Applicant submits that Blosser does not teach or suggest the limitations of amended Claim 1 which are not taught or suggested by Cardarelli. Therefore, Applicant submits that amended Claim 1 is patentably distinguished over Cardarelli in view of Blosser.

Claim 7 depends from Claim 3, which depends from Claim 2, which depends from amended Claim 1. Therefore, Claim 7 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicant submits that Claim 7 is patentably distinguished over Cardarelli in view of Blosser. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 7 and pass Claim 7 to allowance.

Summary

For the foregoing reasons, Applicant submits that Claims 1-9 are in condition for allowance, and Applicant respectfully requests such action. If there are any remaining issues

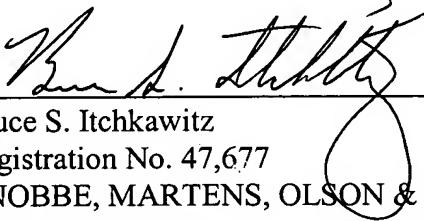
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which the Examiner thinks can be resolved by telephone, the Examiner is invited to call Applicant's representative, Bruce S. Itchkawitz, at 949-721-2924, or at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: 6/30/05

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